(3)

No... 640/2001
Filed today 7.3.2001
by Shri ...
For Registrar
Cent. Admn. Tribunal,
PAT-UP.

समक्ष माननीय राज्य प्रशासनिक अधिकरण खण्डपीठ रायपुर (छ.ग.)

ओ.ए. क्रमांक /2001

श्रीमति सुभद्रा उपाध्याय
सहायक शिक्षिका
प्राथमिक शाला मुरू
विकासखण्ड लखनपुर
जिला बिलासपुर (छ.ग.) .. आवेदिका

विरूद्ध

(1) म.प्र. शासन द्वारा सचिव,
स्कूल शिक्षा विभाग,
भोपाल (म.प्र.)

(2) छत्तीसगढ़ शासन,
द्वारा सचिव, स्कूल शिक्षा विभाग,
मंत्रालय रायपुर (छत्तीसगढ़)

(3) मुख्य कार्यपालन अधिकारी,
पदेन अपर संचालक,
जिला पंचायत बिलासपुर
जिला बिलासपुर (छ.ग.) .. अनावेदकगण

आवेदन पत्र अंतर्गत धारा 19 राज्य प्रशासनिक अधिकरण अधिनियम 1985 :

(1) आवेदिका का विवरण : आवेदन पत्र के शीर्षानुसार है ।

(2) अनावेदकगण का विवरण : आवेदन पत्र के शीर्षानुसार है ।

(3) आवेदन पत्र जिस आदेश के विरूद्ध प्रस्तुत किया है, का विवरण :

कार्यालय जिला पंचायत बिलासपुर जिला बिलासपुर का क्रमांक आदेश क्रमांक/889/युक्तियुक्त करण/2000 बिलासपुर दिनांक 14-6-2000 के द्वारा आवेदिका का स्थानांतरण प्राथमिक शाला मुरू से प्राथमिक शाला कन्या खरकेना युक्तियुक्त करण के तहत अतिशेष मानकर किया गया है, के विरूद्ध प्रस्तुत है जो अनुसूची अ-1 है, जिसके क्रमांक 83 पर आवेदिका का नाम अंकित है ।

अनुसूची अ-1

..2...

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3575 of 2005

Petitioner — Smt. Subhadra Upadhyaya

Versus

Respondents — State of M. P. (now C.G.) & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. K. Tiwari , Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary School, Muru, Block - Takhatpur, District – Bilaspur was transferred to Primary School, Kharkena, on the same terms and conditions, vide order dated 14.6.2000 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 26.3.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on that day. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur